U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

FEBRUARY 2005

RECORD OF DECISION

WANAPA ENERGY CENTER

Bureau of Indian Affairs
Northwest Region
Record of Decision

Agency: Bureau of Indian Affairs, Northwest Region

Action: Record of Decision for the Proposed Wanapa Energy Center Located Approximately 4 Miles East of the City of Umatilla and 5 Miles North of the City of Hermiston In Umatilla County, Oregon.

Summary: Diamond W anapa I, LP (DW), the Confederated Tribes of the Umatilla Indian Reservation, the Eugene Water & Electric Board, the City of Hermiston, and the Port of Umatilla propose to jointly build and operate a new 1,200 megawatt (MW) natural gas-fired electric power generating facility that would be located approximately 4 miles east of the City of Umatilla and 5 miles north of the City of Hermiston in Umatilla County, Oregon. The proposed project referred to as the Wanapa Energy Center would be constructed on approximately 47 acres of land held in trust by the United States for the Confederated Tribes of the Umatilla Indian Reservation, the beneficial owners

The Wanapa Energy Center design would incorporate two similar blocks of combined cycle power generation facilities with each block having a nominal capacity of 600 megawatts (MW). Each block would consist of two combustion turbines; two heat recovery steam generators (HRSG) that can be fired by auxiliary duct burners and exhaust stacks; and one steam turbine in a 2 by 1 configuration, with associated balance of plant equipment. The plant would be constructed in two phases. Each phase will consist of two gas turbines, two HRSGs, two stacks, one steam turbine, one cooling tower, three generators, and other facilities for an operable generating plant. The maximum plant output would be approximately 1,300 MW. Steam generated in the HRSGs in each block would be routed directly to its respective steam turbine. The Wanapa Energy Center would provide electrical energy to the BPA grid system, and natural gas would be used as the sole fuel for the combustion turbines and duct burners. The proposed project also would include a switchyard, cooling towers, storage tanks, natural gas supply pipeline, water supply pipeline, electrical power transmission line, and other related facilities. The exhaust stacks would be approximately 180 feet tall. Natural gas would be provided from a new lateral pipeline that would extend from the vicinity of Stanfield, Oregon, approximately 11.2 miles north to the proposed project site. A new 500 kV electrical transmission line would extend from the proposed project site to the McNary Substation on the Columbia River. Water demand for the facility has been estimated from approximately 4 million gallons per day (about 4,490 acre-feet per year) with 600 megawatt production to 8 million gallons per day (about 8,979 acre feet per year) with 1200 megawatt production. Pre-allocated municipal water would be obtained under the City of Hermiston's and the Port of Umatilla's allocated water supply from the Columbia River. Currently, the proposed power plant blow-down water discharge location is the end of the Feed Canal where it empties into Cold Springs Reservoir east of Hermiston, Oregon. The water

discharge pipeline would follow and be located with the proposed natural gas pipeline lateral to the discharge point.

In accordance with the National Environmental Policy Act of 1969, the Bureau of Indian Affairs has prepared an Environmental Impact Statement (EIS) for the proposed Wanapa Energy Center. Public participation has occurred throughout the NEPA process. A Notice of Intent was filed in the Federal Register (FR) on October 22, 2001 (66 FR 53430). Public scoping meetings were held in Pendleton, Oregon on November 5, 2001 and in Hermiston, Oregon on November 6, 2001 to solicit comments and ideas. On July 28, 2003, an open house was held in Hermiston, Oregon to update the public on the NEPA process for the proposed project. A Notice of Availability for the Draft Environmental Impact Statement (DEIS) was filed in the Federal Register on November 14, 2003 (68 FR 64622). Public Hearings on the DEIS were held in Pendleton, Oregon on December 3, 2003 and in Hermiston, Oregon on December 4, 2003. A Notice of Availability for the Final Environmental Impact Statement (FEIS) was filed in the Federal Register on December 17, 2004. The FEIS addresses issues and concerns raised during the public scoping period and contains responses to letters received during the public comment period on the DEIS.

The Bureau of Indian Affairs is the lead agency for the EIS. The Bonneville Power Administration and the Bureau of Reclamation are cooperating agencies for the EIS. Each of the three agencies will issue a Record of Decision (ROD) regarding decisions related to their specific responsibilities. The Bureau of Indian Affairs' decision is whether to grant a lease between the project developers and the Confederated Tribes of the Umatilla Indian Reservation.

With the issuance of this Record of Decision (ROD), the Bureau of Indian Affairs announces that the Proposed Action is the action to be implemented. Under the Proposed Action, the Bureau of Indian Affairs would grant a lease between the Confederated Tribes of the Umatilla Indian Reservation and the project developers that conforms to requirements provided in Title 25, Code of Federal Regulations, Part 162, Subpart F. The lease agreement must include provisions for adequate bonds and financial guarantees to ensure contractual obligations including the proper decommissioning of the proposed facility and restoration of the site. The Bureau of Indian Affairs' decision is based on its review of the DEIS, the FEIS, and comments received from the public, federal agencies, state agencies, local governmental entities, and potentially affected Tribes.

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Introduction

Diamond Wanapa I, LP (DW), the Confederated Tribes of the Umatilla Indian Reservation, the Eugene Water & Electric Board, the City of Hermiston, and the Port of Umatilla propose to jointly build and operate a new 1,200 megawatt (MW) natural gas-fired electric power generating facility that would be located approximately 4 miles east of Umatilla, Oregon. The proposed project, referred to as the Wanapa Energy Center, would be constructed on approximately 47 acres of land held in trust by the United States for the Confederated Tribes of the Umatilla Indian Reservation, the beneficial owners.

The Bureau of Indian Affairs (BIA) and the Bureau of Reclamation (BOR), agencies of the U.S. Department of the Interior and the Bonneville Power Administration (BPA), an agency of the U.S. Department of Energy, will be responsible for implementing the federal actions necessary to construct and operate the proposed Wanapa Energy Center. The BIA must decide whether to grant a lease to the project so that the power generation facilities could be constructed on lands located in Section 7, Township 5 North, Range 29 East, Williamette Meridian, Umatilla County, Oregon, held in trust by the United States for the beneficial owners, the Confederated Tribes of the Umatilla Indian Reservation. The BOR must decide whether to grant easements and other crossing approvals for construction of a pipeline that would transport plant discharge water to Cold Springs Reservoir and whether to allow storage of this water in Cold Springs Reservoir for beneficial use. The BPA must decide whether to connect a transmission line to the McNary Substation and whether to enter into contracts to integrate the project's power into the Federal Columbia River Transmission System. In accordance with the National Environmental Policy Act of 1969, the BIA was the lead federal agency in preparation of an Environmental Impact Statement (EIS) for the proposed Wanapa Energy Center.

Public participation has occurred throughout the NEPA process. A Notice of Intent was filed in the Federal Register (FR) on October 22, 2001 (66 FR 53430). Public scoping meetings were held in Pendleton, Oregon on November 5, 2001 and in Hermiston, Oregon on November 6, 2001 to solicit comments and ideas. On July 28, 2003, an open house was held in Hermiston, Oregon to update the public on the NEPA process for the proposed project. A Notice of Availability for the Draft Environmental Impact Statement (DEIS) was filed in the Federal Register on November 14, 2003 (68 FR 64622). Public Hearings on the DEIS were held in Pendleton, Oregon on December 3, 2003 and in Hermiston, Oregon on December 4, 2003. A Notice of Availability for the Final Environmental Impact Statement (FEIS) was filed in the Federal Register on December 17, 2004. The FEIS addresses issues and concerns raised during the public scoping period and contains responses to letters received during the public comment period on the DEIS.

The BIA received a formal written comment on the FEIS from Mr. Ken Thompson, a resident of Umatilla County, and telephone comments from representatives of the City of Umatilla Fire Department and the Boardman Coal Electric Generating Facility. Mr. Thompson's comments included concerns related to the acquisition of the property by the Confederated Tribes of the Umatilla Indian Reservation for the proposed electric generating facility, the impacts of the proposed project on air quality, the use of natural gas as a fuel for electric generating facilities, the extension of municipal services from the City of Umatilla to the proposed plant site, and the

release of plant discharge water into the Columbia River. The City of Umatilla Fire Department pointed out that the location of the proposed Wanapa Energy Center is within the Umatilla Rural Fire Protection District not the City of Hermiston Rural Fire Protection District as implied in the FEIS. The Boardman Coal Electric Generating Facility pointed out that the units of measure comparing emissions from the Wanapa Energy Center and the Boardman Coal Facility should be in pounds per MW not tons per MW. The BIA considers these comments to be either minor factual corrections of information presented in the FEIS or a restatement of issues that were addressed in the FEIS. The BIA does not believe these comments substantially change the conclusions reached in the FEIS. The BIA's responses to these comments are included as an appendix to this document and errata sheets to the FEIS.

This Record of Decision (ROD) documents the rationale for the decision whether to grant a lease between the project developers and the Confederated Tribes of the Umatilla Indian Reservation to construct and operate the proposed Wanapa Energy Center.

Description of Alternatives

The FEIS includes an analysis of the No Action Alternative and the Proposed Action. Alternative. Under the Proposed Action, alternatives related to the location of the gas supply/plant discharge water pipeline route (six alternatives), the location of the transmission line route (three alternatives), and the location of plant discharge water (one alternative) were also analyzed.

No Action Alternative

Under the No Action Alternative, the BIA would not grant a lease between the project developers and the Confederated Tribes of the Umatilla Indian Reservation for the construction and operation of the proposed Wanapa Energy Center.

Proposed Action and Preferred Alternative

The Proposed Action Alternative is to develop and construct a greenfield combined cycle gas/steam turbine electric generating facility. The Wanapa Energy Center design would incorporate two similar blocks of combined cycle power generation facilities with each block having a nominal capacity of 600 megawatts (MW). Each block would consist of two combustion turbines; two heat recovery steam generators (HRSG) that can be fired by auxiliary duct burners and exhaust stacks; and one steam turbine in a 2 by 1 configuration, with associated balance of plant equipment. The plant would be constructed in two phases. Each phase will consist of two gas turbines, two HRSGs, two stacks, one steam turbine, one cooling tower, three generators, and other facilities for an operable generating plant. The maximum plant output would be approximately 1,300 megawatts. Steam generated in the HRSGs in each block would be routed directly to its respective steam turbine. The Wanapa Energy Center would provide electrical energy to the BPA grid system, and natural gas would be used as the sole fuel for the combustion turbines and duct burners. The proposed project also would include a switchyard, cooling towers, storage tanks, natural gas supply pipeline, water supply pipeline, electrical power transmission line, and other related facilities. The exhaust stacks would be approximately 180

feet tall. Natural gas would be provided from a new lateral pipeline that would extend from the vicinity of Stanfield, Oregon, approximately 11.2 miles north to the proposed project site. A new 500 kV electrical transmission line would extend from the proposed project site to the McNary Substation on the Columbia River. Water demand for the facility has been estimated from approximately 4 million gallons per day (about 4,490 acre-feet per year) with 600 megawatt production to 8 million gallons per day (about 8,979 acre feet per year) with 1200 megawatt production. Pre-allocated municipal water would be obtained under the City of Hermiston's and the Port of Umatilla's allocated water supply from the Columbia River. The proposed power plant blow-down water discharge location is the end of the Feed Canal where it empties into Cold Springs Reservoir east of Hermiston, Oregon. The water discharge pipeline would follow and be located with the proposed natural gas pipeline lateral to the discharge point.

Gas Supply/Plant Discharge Pipeline Route Alternatives

In addition to the proposed 11.2-mile-long route for the natural gas supply pipeline, six other alternative routes are evaluated in the FEIS. The alternative routes would be approximately the same length as the proposed route, but would follow a more eastern (Alternatives 1, 3, 4, 5 and 6) or more western (Alternative 2) approach to the power plant from the Stanfield Compressor Station. All six would begin at the Stanfield Compressor Station and terminate at the proposed power plant site.

Transmission Line Route Alternatives

In addition to the route described in the proposed action, three additional alternative transmission line routes from the plant site to McNary Substation are evaluated in the FEIS. These alternatives range from 3.7 to 5.3 miles.

Plant Discharge Water Alternatives

In addition to the proposed discharge of plant wastewater into Cold Springs Reservoir, a potentially feasible alternative of discharging the wastewater directly into the Columbia River is evaluated in the FEIS. After discussions with the Oregon Department of Environmental Quality, it appears that obtaining a National Pollutant Discharge Elimination System (NPDES) permit to discharge wastewater to the Columbia River is technically possible. The use of a high rate bottom diffuser from the shoreline out into the main river channel would quickly reduce temperature and TDS to meet water quality standards specific to the Columbia River. Despite the technical feasibility of this alternative, it is unclear whether such a discharge of the plant wastewater would by acceptable to NOAA Fisheries.

Issues Evaluated

A number of issues were raised during the scoping process and public review of the DEIS. Each of the alternatives considered in the FEIS was evaluated relative to these and other issues. The most substantive issues were:

1. Provide a new source of revenue to the Confederated Tribes of the Umatilla Indian Reservation that would enhance funding for Tribal programs and opportunities for additional economic development.

2. Potential impacts of the project on the local economy and transportation system.

3. Use of the remaining allocation of water under the Port of Umatilla existing water rights thus limiting further development.

4. Project's ability to obtain water from the Port of Umatilla due to their water withdrawal permit being on hold pending an evaluation of municipal water rights issues.

5. Effects of power plant operation on air quality.

6. Impacts of the project on aesthetics.

7. Effects of new disturbance in the corridors for electric transmission lines and the natural gas and water discharge pipelines.

8. Exemption of the project from paying Umatilla County property taxes.

9. Effects of water withdrawal from the Columbia River on anadromous fish species listed as endangered and/or threatened under the Endangered Species Act of 1973.

10. Potential impacts of the project on the present and future use of BPA's transmission system.

11. Safety risks for the power plant and project components.

12. Potential impacts of waste disposal on environmental resources.

13. Bonding requirements to restore the site if construction of the facility is not completed or the facility is closed.

14. Impacts of the project on wildlife species specifically habitat on the Wanaket Wildlife Area.

15. Cumulative effects of the Wanapa Energy Center and other proposed or existing natural gas fired electric generating plants in the local area.

Potential Direct and Cumulative Impacts

Additional Revenue to the Confederated Tribes of the Umatilla Indian Reservation

Since the Wanapa Energy Center would be sited on land held in trust by the United States for the Confederated Tribes of the Umatilla Indian Reservation, the power plant would not be subject to property taxes. However, the project developers have agreed to pay the Confederated Tribes of

the Umatilla Indian Reservation a tax equivalent to the aggregate of the property taxes in addition to rental of the property. The Confederated Tribes of the Umatilla Indian Reservation would spend these tax and rental revenues on goods and services mainly in Umatilla County thereby directly introducing these revenues into the local economy. All project tax advantages are realized through federal taxation schemes through a provision for accelerated depreciation for projects built on tribal land.

The natural gas supply/plant discharge water pipeline would be subject to property taxes and would generate additional tax revenues for Umatilla County and various local jurisdictions.

Geology and Soils

The effects of project construction and operation on geology would be minor. No geologic hazards such as subsidence, faults, or soil liquefaction occur within or near the location of project components. The prevalence of relatively gentle slopes in the project area indicates there is no landslide hazard.

Potential impacts of constructing project components would include soil disturbance, increased rates of wind and water erosion, and reduced agricultural productivity. Through implementation of the Storm Water Pollution Prevention Plan and reclamation measures, the potential for water erosion would be minimized. Soil erosion from wind would be reduced to pre-construction conditions by implementing measures to control dust and stabile soil surfaces. Construction of the natural gas supply/wastewater discharge pipelines would result in the temporary disturbance to 32 acres of prime farmland. However, topsoil and rock management mitigation measures would ensure that effects be short-term and minor.

Water Resources

The impacts of project construction and operation on water resources involve water withdrawal, water discharge, and management of chemical spills or leaks. Approximately 12.4 cubic feet per second (cfs) average or 17.7 cfs maximum of water from the Columbia River would be used for plant operation. This quantity of water comes from an existing water right (Port of Umatilla Regional Water Supply System – Permit No. 49497) and would not result in a noticeable change in flow in the Columbia River. Plant discharge water (average of 2.4 cfs and maximum of 3.4 cfs) would be treated for oil and grease, pH, and temperature modification. By meeting **NPDES** requirements including anti-degradation requirement, addition of plant discharge water would not prevent water quality in Cold Springs Reservoir from meeting water quality standards. Storm water and sanitary sewage management would be required during plant operation to ensure there would be no impacts to surface water near the plant site.

Vegetation

Project construction would result in vegetation disturbance to 47 acres at the plant site, 9 acres within the access road right of way (ROW), 128 acres within the natural gas supply/wastewater discharge pipelines ROW, and 101 acres within the electric transmission line ROW. The

majority of the disturbance would be to grass-steppe, shrub-steppe, and irrigated cropland. Vegetation removal would be permanent at the plant site. By implementing reclamation procedures, grass and irrigated crop plant species would return the ROW within one to two growing seasons. Recovery of shrub species would take an estimated 10 to 50 years. All wetlands would be avoided. Control measures would be implemented to minimize the introduction and spread of noxious weeds.

Cooling tower drift would deposit droplets on vegetation within an approximate 0.25 mile radius of the plant site. The concentration of dissolved chemical constituents in the drift would be extremely low not affecting plant growth and reproduction. Addition of plant discharge water to Cold Springs Reservoir would not significantly increase TDS in water used for irrigation. The slight increase in TDS loading would not affect crops irrigated with reservoir water.

Air Quality

The emissions from the proposed Wanapa Energy Center include the discharge of air pollutants from the main stacks of the combustion turbines and duct firing units. The proposed project is classified as a major source and would be regulated under the PSD program and Title V operating permit program. The facility must demonstrate continuous compliance with limits on emissions of nitrogen oxides (NO_x) carbon monoxide (CO) and sulfur oxides (SO_x) and must perform periodic monitoring of other pollutants including particulate matter, 10 microns in size (PM_{10}) and volatile organic compounds (VOCs). The facility would utilize the Best Available Control Technology for NO_2, CO, SO_2, and PM_{10}. The facility would also install high performance drift eliminators on its cooling towers to control emissions.

The dispersion modeling for the air permit application shows that impacts of these emissions would be below established significance levels for CO and SO_2. The dispersion modeling also demonstrates that predicted pollutant concentrations are well within allowable ambient air quality standards and PSD increments for NO_2 and PM_{10} including impacts from existing industrial and farming activities, recently permitted industrial activities, existing mobile sources of emissions, and natural sources of emissions. Thus, the operation of the Wanapa Energy Center would not affect any existing industrial or farming activities and also would allow for future growth of farming or industrial activities. The modeling also demonstrated acceptable impacts on visibility, acid deposition, and vegetation within nearby Class I areas.

Visual Resources

Construction of the Wanapa Energy Center would result in visual impacts to residential areas at McNary and on a bluff along the Columbia River near Hat Rock State Park, motorists using U.S. Highway 730 east of Umatilla, and hunters on the Wanaket Wildlife Area. The most visible parts of the facility would be the HRSG exhaust stacks and the turbine buildings. In addition, a steam plume from the cooling towers would be visible over a wide area during cold weather. Facility lighting also would be seen from public roads and residences. The new electric transmission line would be seen by area residents and motorists on highways and roads.

Noise

Increased noise levels would occur in the local area as a result of construction and operation of the Wanapa Energy Center. The majority of the increased traffic would be short term rapidly diminishing after construction is complete (24 to 36 months). Recreational users on the Columbia River and the Wanaket Wildlife Area could be affected by the construction and operation of the facility.

Public Safety

Good engineering practices and standard safety procedures would be implemented to protect construction workers and the general public. The new electric transmission line would be located adjacent to existing transmission lines and those residences and buildings already in close proximity to existing lines could experience a slight increase in exposure to electric and magnetic fields. Residences, buildings, and people in the vicinity of the gas pipeline would be exposed to a minor risk for pipeline incidents such as leaks, fires, or explosions. Over a 50 year expected service life of the pipeline, the projected incident rate is 0.014.

Cultural Resources

No National Register of Historic Places (NRHP) eligible sites were located during the cultural resources field survey of the plant site. The Cultural Resources Protection Program (CRPP) of the Confederated Tribes of the Umatilla Indian Reservation conducted a Traditional Cultural Property (TCP) assessment of the plant site and determined that the project area is within a TCP. Therefore cultural resources management activities to be undertaken include: (1) a CRPP monitor would be present during all ground disturbing activities, (2) the CRPP would be consulted throughout the entire planning and construction process, and (3) the CRPP would participate in the development of appropriate mitigation plans. If subsurface cultural material or ancestral remains were inadvertently discovered during excavation, activities would cease at the location until CRPP personnel could adequately assess the find and determine what steps need to be taken. If ancestral remains were discovered, the Native American Graves and Repatriation Act would be followed and the Confederated Tribes of the Umatilla Indian Reservation's Policy and Procedures Manual for Repatriation of Ancestral Human Remains and Funerary Objects would be implemented.

Based on file searches and some field surveys the proposed water and gas lines would cross two NRHP eligible historic canals and one NRHP eligible ditch on federal and private lands. Adverse effects to the historic canals and ditch would be avoided by boring under these features if the State Historic Preservation Office and the Tribal Historic Preservation Office concur. Additional field surveys of the electric transmission and natural gas supply/wastewater discharge pipelines must be completed prior to final consultation with SHPO and THPO.

Fish and Wildlife

The overall impact of construction and operation of the Wanapa Energy Center to fish and aquatic habitat would be minor. Sediment transport from localized surface disturbance would be

minimized through erosion control and reclamation measures. Water discharge to Cold Springs Reservoir would provide a beneficial impact to fish and aquatic habitat by providing additional water. No direct impact to the Umatilla River is expected.

Surface disturbance activities would result in the long term removal of approximately 47 acres and long term alteration of 71 acres of grass-shrub habitat for wildlife species. Habitat fragmentation from agricultural, residential, and industrial activities and the establishment of non native vegetation in the project area contribute to the existing low quality of habitat for wildlife species. The Wanapa Energy Center construction and operation would result in an incremental increase in habitat fragmentation, limited mortality of small, less mobile, species, and temporary displacement of more mobile species as a result of increased noise and human presence.

Based on a Biological Assessment for the proposed Wanapa Energy Center, the BIA, in accordance with the Endangered Species Act, concluded on October 20, 2004, the proposed project may effect, but is not likely to adversely affect bull trout and bald eagle or their critical habitat. The U.S. Fish and Wildlife Service concurred with this determination on November 18, 2004.

Based on a separate Biological Assessment for the Proposed Wanapa Energy Center, the BIA also concluded on November 8, 2004, that the proposed project may affect, but is not likely to adversely affect Snake River (SR), Middle Columbia River (MCR) and Upper Columbia River (UCR) steelhead, SR spring, summer and fall run chinook, SR sockeye, or their designated critical habitat. NOAA Fisheries concurred with this determination on December 2, 2004. NOAA Fisheries also concluded conservation recommendations pursuant to the Magnuson-Stevens Fishery Conservation and Management Act were not necessary.

Socioeconomics

When combining all project components, construction activities would create a total of 320 to 820 temporary jobs during a 36 month period. An estimated 180 indirect jobs would also be generated during construction. Project operation would result in 30 permanent workers. Wanapa Energy Center would pay for all local services used by the facility at rates negotiated with local entities. Public utilities and services are available and would be used for plant operation.

Environmentally Preferred Alternative

In many instances, the No Action Alternative is generally considered to be the environmentally preferred alternative because the Action Alternative would result in affects to resources not previously affected. If the BIA does not grant a lease between the project developers and the Confederated Tribes of the Umatilla Indian Reservation the proposed Wanapa energy Center would not be built. In this case, however, the action alternative may be environmentally preferable to the impacts of increasing demands for hydroelectric power generation.

Decision and Implementation

The BIA has identified the Proposed Action as BIA's Preferred Alternative. Therefore, it is my intention to adopt and implement the Proposed Action. The BIA will approve an acceptable lease between the project developers and the Confederated Tribes of the Umatilla Indian Reservation. Implementation of the Proposed Action will achieve the primary goal of providing a new source of revenue to the Confederated Tribes of the Umatilla Indian Reservation that would enhance funding for Tribal programs and opportunities for additional economic development. Implementation of the project would also provide a reliable, cost-effective and environmentally acceptable electric generation source to satisfy base and peak electrical demands within the Pacific Northwest.

The United States Government owes a trust obligation to Indian Tribes. This trust obligation imposes fiduciary standards on the conduct of the federal government. The Secretary of the Interior, through delegation of authority to the BIA, must protect and preserve Indian trust assets from loss, damage, unlawful alienation, waste, and depletion. The BIA must assure that any management of Indian trust assets promotes the interest of the beneficial owner and is consistent with the government's trust responsibility.

The No Action Alternative was not selected because a decision not to approve a lease of Indian trust lands for the Wanapa Energy Center between the project developers and the Confederated Tribes of the Umatilla Indian Reservation would not enhance economic development for the Tribes. One of the primary goals of the BIA is to encourage economic development on Indian trust lands.

Although construction and operation of the Wanapa Energy Center would impact air and water resources, implementation of the Proposed Action would meet air and water quality standards promulgated by the U.S. Environmental Protection Agency and the State of Oregon Department of Environmental Quality under the authority of the Clean Air Act and Clean Water Act.

The project developers have established an Environmental Mitigation Foundation for the Wanapa Energy Center. The purpose of the Environmental Mitigation Foundation is to select and develop local air, water, land and fish and wildlife protection, enhancement, and restoration projects to mitigate for the environmental impacts resulting from construction and operation of the Wanapa Energy Center. At the close of financing for the proposed project, the developers will endow the Environmental Mitigation Foundation with either eight or sixteen million dollars (for 600 MW and 1,200 MW respectively) to be used, in perpetuity, for mitigation in the area. This fund exceeds State of Oregon mitigation requirements over the life of the facility.

The BIA considers other impacts from construction and operation of the Wanapa Energy Center to be relatively minor. These impacts will be partially mitigated by the development and implementation of a Storm Water Pollution Prevention Plan, a Spill Response Plan, an Emergency Response Plan, a Noxious Weed Control Plan, and a Vegetation Reclamation Plan. Additional mitigation measures to be implemented are listed in Table ES-1, Summary of Mitigation Measures, in the FEIS and attached as Appendix 1.

The BIA will comply with applicable federal, state, and tribal regulations to ensure that cultural resources are conserved and potential adverse impacts are minimized. Upon completion of further cultural surveys, the BIA will consult further with the Oregon State Historic Preservation Office and the Tribal Historic Preservation Office as to project impacts on cultural resources. Such consultation will be completed prior to the start of construction.

This decision may be appealed to the Secretary of the Interior in accordance with the regulations set forth at Title 25 Code of Federal Regulations, Part 2. The notice of appeal must be signed and mailed within thirty days of the date of this decision. The notice should clearly identify the decision being appealed and a copy of the decision should be attached to the notice of appeal. Copies of the notice must be sent to the Assistant Secretary for Indian Affairs, MS 4140-MIB, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240 as well as to my office and to all other interested parties known to the person appealing the decision. The notice of appeal to the Regional Director, Northwest Region, Bureau of Indian Affairs must also certify that the appealing party sent copies to each of these parties. The Regional Director will notify an appealing party of further appeal procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior.

2/24/05

Stanley Speaks
Regional Director
Northwest Region
Bureau of Indian Affairs

Date

APPENDIX 1

Table ES-1 Summary of Mitigation Measures

Resource	Mitigation Measures
Soils	
	S-1: Restrict construction traffic to the defined ROW.
	S-2: Restrict the pipeline construction ROW width to 75 feet in the Wanser loamy fine sand and Winchester sand units where the natural gas supply/wastewater discharge pipeline route crosses native vegetation communities.
	S-3: Use measures such as topsoil matting, planting of cover crops, or soil binder in the Wanser loamy fine sand and Winchester sand units along the southern portion of the natural gas supply/ wastewater discharge pipeline routes to reduce wind erosion.
	S-4: Segregate the stripped topsoil separately from the trench spoils;
	S-5: Remove all excess large-size rock from the upper 12 inches of the soil to the extent practical in agricultural and residential areas.
	S-6: Excess pipeline trench rock would be placed in a landowner-approved location.
Vegetation/Land Cover	
	VLC-1. The revegetation mixture applied to disturbed soils on the Wanaket Wildlife Area would conform to the future management objectives for the site as described by the Wildlife Area Management Plan (CTUIR and BPA 2001b).
	VCL-2. A pre-construction weed inventory would be completed along the approved pipeline route to determine the location of weed populations within and adjacent to the construction ROW. Excavation equipment would be cleaned (air pressure hoses or wash stations) after crossing weed infestation areas and entering weed-free areas. All soil excavated from weed-infested areas would be replaced in the same location.
	VCL-3. Any hay used as mulch would be certified as weed-free prior to application.
Wildlife	
	W-1: Prior to construction activities during the raptor breeding season (March 1 – June 30), breeding raptor surveys would be conducted by a qualified biologist through areas of suitable nesting habitat to identify any potentially active nest sites within 0.5 mile from the project area. If applicable, appropriate protection measures, including seasonal constraints and establishment of buffer areas would be implemented at active next sites until the young have fledged and have dispersed from the nest area. These measures will be implemented on a site-specific and species-specific basis, in coordination with CTUIR/Wanaket Wildlife Area biologists ***and Cold Springs National Wildlife Refuge biologists.***

Resource	Mitigation Measures
	W-2: Standard, safe designs as outlined in Mitigating Bird Collision with Power Lines (APLIC 1994) would be incorporated in the design of the electrical distribution lines to prevent collision to foraging and migrating bird species within the project area, in coordination with CTUIR and Wanaket Wildlife Area biologists. Design features would include the configuration of the route to avoid partitioning foraging and resting habitat, alignment of overhead groundwire to the same height as the conductors, and the use of markers to increase the visibility of the lines to birds.
	W-3: Prior to construction activities during the avian breeding season (March 1 – June 30), avian breeding surveys for long-billed curlew, grasshopper sparrow, loggerhead shrike, and western burrowing owl would be conducted by a qualified biologist through areas of suitable nesting habitat to identify any potentially active nest sites within 0.25 mile from the project area. If applicable, appropriate protection measures, including seasonal constraints and establishment of buffer areas would be implemented at active nest sites until the young have fledged and have dispersed from the nest area. These measures would be implemented on a site-specific and species-specific basis, in coordination with CTUIR/Wanaket Wildlife Area biologists ***and Cold Springs National Wildlife Refuge biologists.***
	W-4: Prior to construction activities through suitable breeding habitat for special status reptile and amphibian species, occurrence surveys for western painted turtle, western toad, Woodhouse's toad, and northern leopard frog would be conducted by a qualified biologist to determine presence. If present, appropriate protection measures could include rerouting the pipeline ROW to avoid breeding habitat, in coordination with CTUIR/Wanaket Wildlife Area biologists ***and Cold Springs National Wildlife Refuge biologists.***
Transportation	
	T-1: Implement partial plant site shift changes to reduce the number of personal vehicles that queue at the Beach Access road/U.S. Highway 730 intersection.
	T-2: Time major construction material deliveries to off-peak hours (early morning, late evening) to prevent local congestion on U.S. Highway 730.
	T-3: A site-specific construction traffic flow plan would be submitted to the Oregon DOT that documents the present traffic volumes, expected volume of project construction traffic, and the intersections to be used. If warranted by this study, the width of the U.S. Highway 730 at the Beach road intersection (or other intersection) would be expanded to provide left-hand and right-hand turn lanes.

Resource	Mitigation Measures
Cultural Resources	
	C-1: Upon concurrence from the SHPO/THPO, adverse effects to three NRHP–eligible elements (A-line Canal, the Feed Canal, and the Furnish Ditch) would be avoided by horizontally boring under these features rather than trenching through them.
	C-2: The CTUIR Cultural Resources Protection Program (CRPP) considers the Wanapa Energy site to be a Traditional Cultural Property (TCP). Therefore, the CRPP will: 1) ensure that a CRPP Tribal Monitor is present during all ground disturbing activities; 2) the CRPP will be consulted throughout the entire planning and construction process until the project is completed; and 3) the CRPP would participate in appropriate mitigation planning to maintain traditional uses of the site and/or develop appropriate mitigation plans, as necessary.

APPENDIX 2

PUBLIC COMMENTS AND RESPONSES

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McRae Ranch

January 15, 2005

Dear Mr. Sanchez:

This and one more document in my opposition to the Wanapa Energy Center and you and those you represent will be done with this underclass citizen with non-person status for the reason that I believe that the increasing Umatilla County air pollution will kill me as it has done my Father. Over the past 10 years I have come to the bleak realization that the American governmental systems are designed to steadfastly benefit those citizens with power and privilege of which I have neither. The Wanapa Energy Center's Final EIS and EPA Air Quality permit both have significant laws and regulations that are not applied judicially or fairly to all citizens. Such governmental practices sustain my contention that those individuals and organizations with power and privilege are afford opportunities to further enhance their wealth and quality of life that are not afforded to underclass citizens, particularly those of us with non-person status.

Examples of the inequality of applying law and regulations include but are not limited to the following:

1. No significant elected or governmental official will address the how the Conforth Ranch Wanapa property was transferred to Tribal Trust ground except to say that the property is a part of the tribes' 6.4 million acre ceded territory. What an amazing privileged technique to avoid the American, Oregon, and Umatilla County deed's clearly defined covenants. I am sure Umatilla County will witness other economic developments on properties that will be transferred to Tribal Trust grounds facilitating further claims of exception from state and local laws and regulations that apply to us underclass citizens as well as saving millions in exempted state and local taxes.

2. I have attached the public testimony document that I submitted in opposition to the EPA's Wanapa Energy Center air quality permit. When I compared the EPA's air quality permit documents with the final EIS there are some significant and striking differences.

(a) The EIS on page 2-8 permits the following, *"The plant would operate 365 days per year, with periodic partial shutdowns for maintenance on an established schedule."*

(b) The EIS on page 3.5-2 states that the Wanapa Energy Center would be permitted to emit 133.5 Tons/Year Volatile Organic Compounds (VOC).

(c) However the EPA's Preliminary Technical Support Document for PSD states on page 9 that, *"The DBs, combined, were assumed to operate only 6,800 hours per year based upon a request from Diamond for operational restrictions to maintain VOC emissions below 100 tpy."* 6,800 hours equates to 283 days or 77.6% of a year to avoid VOC emission over 99 tpy.

(d) The EPA's Prevention of Significant Deterioration Proposed Permit to Construct never mentioned any permit requirement to limit the number of hours of use per year. It appears between the two agencies and their associated permits the Wanapa Energy Center will operate 24/7 regardless of the EPA's technical discussion about the limited hours of operation based upon a 99 Tons/year VOC emission. It appears from the two permits that

the EIS takes precedence thus the VOC emission limit though discussed by the EPA will not be limited by the *"assumption to operate only 6,800 hours per year."* The privileges of regulations certainly not provided us underclass citizens.

(e) The EPA's Technical document discusses a maximum 3 km radius area of human health and welfare impact from the Wanapa Energy Center's 100's of Tons of air pollution, but at the same time the applicant is able to use a 100's of mile radius area of meteorological and actual documented air quality statistical data to determine how the 3 km area of impact weather and air pollution will react. Such a privilege was never extended to the industries that utilize non-road diesel engines when the EPA implemented the new non-road diesel engine regulations. Non-road diesel engines have no maximum area of human health and welfare impact from their first molecule of air pollution emissions.

(f) The EPA employs a minimum NAAQS for each of the major air pollutants, NOx, SOx, CO, VOC, and PM, before there is ever any quantifiable impact upon human health and welfare from the 100 of Tons of the fore mentioned air pollutants from the EPA's Title V Wanapa Energy Center. In fact EPA representatives have publicly stated there are no quantifiable human health and welfare impacts from any of the 1,000's of Tons of carbon based thermo power plants' air pollution emissions.

(g) The EPA employs zero NAAQS for each of the major air pollutants, NOx, SOx, CO, VOC, and PM, thus there is quantifiable and significant impact upon human health and welfare from the first molecule emitted of the fore mentioned air pollutants from any single non-road diesel engine. The EPA has significant and deadly quantifiable data that over 12,000 American citizens annually suffer premature deaths from non-road diesel engines' first molecule of air pollution emissions. Comparing the two polluters and the air pollutants they emit is there judicial fairness in the implementation of laws and regulations?

(h) If the non-road diesel engines are such a deadly quantifiable and significant threat to human health and welfare why is there never any mention by the EPA or in the final EIS of the large number of such non-road vehicles required in the construction of all the phases of the Wanapa Energy Center and their subsequent deadly quantifiable and significant impact upon the health and welfare of citizens of Umatilla County from the first molecule of air pollution emissions from a single engine? What a convenient omission that would never be offered an underclass citizen if requesting an air quality permit! This is just one example of why I don't trust applicant's socioeconomic impact statements or even the EPA to fairly and judicially administer their own regulations.

3. The use of natural gas to produce electricity is not the most effective use of the non-renewable carbon based resource. Even the Northwest Power Planning Council's research has shown that using natural gas to produce electricity at best has a 50% efficiency rating. Where as using natural gas at the actual power producing source there is a 95-97% efficiency rating, i.e. hot water heaters, home heating, home dryers, and home cooking are some of those examples. Building more natural gas electrical power plants results in a significant cost competition with the use in and for the homes of us underclass citizens. Once again the underclass citizen will end up paying double so the powerful and privileged can enhance their own life styles with increased financial gain as the cost of both natural gas and electricity will escalate for us underclass citizens. Because of the nonrenewable fuel source the carbon based thermo power plants will have a finite life span so more than likely the facilities will become future monuments to remind yet unborn generations of our generation's inefficient and failed electrical power production systems. Our children's children will have to deal with the relic hulks of the unusable facilities that will never be properly bounded for future facility removal and the associated hazard waste clean up.

4. According to the EPA's non-road diesel engine regulations the Wanapa Energy Center's diesel fire pumps' air pollution emissions are a more significant threat to human health and welfare, if ever operated, than the Tons of air pollution from the power plant. Once again, there is never any mention of all the non-road diesel engine construction vehicles and their subsequent quantifiable and

pollution emissions. Oh, of course those non-road diesel regulations only apply to the natural resource industries, how can I forget!

5. In the EIS on pages 2-19 and 3.3-19 the project is permitted access to the city of Umatilla for municipal potable water and the return of black and grey water sewage. I served for about 7 years on the Umatilla County Planning Commission, thus I am aware that extending municipal services, i.e. water and sewer, beyond city limits is not permitted under Oregon Land Use Laws. But once again those laws and regulations appear to have been written only for those of us underclass citizens and not the powerful and privileged to adhere to or to be regulated by. What is even more insulting about the neglect of law enforcement is that the services are extended outside the city limits of Umatilla to another Nation whereas we underclass citizens would never qualify for such services by Oregon Land Use laws! Where is the LCDC's enforcement of Oregon Land Use Laws? Oh yea, it is that 6.4 million acres ceded territory that takes precedence over any Oregon Land Use Laws.

6. The EIS permit statement on page 3.5-21 related to Greenhouse Gases is a joke for those of us at all concerned about the documental impact of CO2 emissions. The project and ones similar will certainly make it difficult for Oregon to reach its following State goals except by targeting and severely regulating us underclass citizens and our activities. The Oregon Governor's Advisory Group on Global Warming released is final goals' document on December 17, 2004. Below are their unachievable goals if Wanapa Energy Center and similar projects are allowed to proliferate unabated.

"The Advisory Group invited Oregon citizens, businesses and organizations to offer their comments, additions and criticisms of the goals, approaches and actions assembled in this document. The Advisory Group received citizen input from three public meetings, letters and emails. They considered this input and incorporated modifications that, in their judgment, were appropriate before making final recommendations to the Governor. The overall Strategy may be summarized as follows:

Goals:

Three proposed goals relate to Oregon Benchmark #76, which sets the goal of reducing carbon dioxide (CO2) emission levels at or below 1990 levels by the year 2010. Oregon emissions in 2000 were 18 percent above this benchmark. While other states have proposed meeting a comparable emissions goal by 2010, the Advisory Group recognizes that its strategy is not likely to achieve this goal within the time frame. However, measurable progress towards attaining this goal is possible. The Advisory Group proposes the following goals:

1) *By 2010, arrest the growth of Oregon's greenhouse gas emissions (including, but not limited to CO2) and begin to reduce them, making measurable progress towards meeting the existing Benchmark of not exceeding 1990 levels.*

2) *By 2020, achieve a 10 percent reduction below 1990 greenhouse gas levels.*

3) *By 2050, achieve a "climate stabilization" emissions level at least 75 percent below 1990 levels. These goals offer a pathway to climate stabilization that requires vigorous action, but also allows time for necessary individual and business adjustments."*

7. Any attempt to discharge cooling waste water into the Columbia River could only be granted to another Nation because none of us American underclass citizens in Umatilla County would ever be allowed such a permit or privilege. It is amazing that the discharge of cooling waste water into the Columbia is even an option considering what the citizens of this other Nation demand of the use and care of Columbia River water and the tributaries that feed the Columbia.

8. The other Nation's opposition to the Columbia-Snake Rivers' hydropower system in an effort to save the salmon and that Nation's application for a permit to pollute the Umatilla County airshed with emission from the Wanapa Energy Center further validates my opinion that the other Nation is more than willing to trade underclass citizens health and welfare for a salmon's life and well being. I doubt

few if any prominent citizen, elected or governmental official would ever make such an obvious statement, but as an underclass citizen of non-person status what do I have to loose or who would ever listen to me anyway. Saving the salmon by removing a renewable electrical power source, dams and then building a finite fueled carbon based thermo power plant that will kill underclass citizens with quantifiable and significant air pollution is a course of action that can only happen when those individuals and organizations with power and privilege are afford by governmental opportunities to further enhance their wealth and quality of life that are never afforded to underclass citizens, particularly those of us with non-person status.

K. Thompson

Ken Thompson
An underclass Umatilla County citizen

Response to FEIS Comments

Representative, City of Umatilla Fire Department (by telephone)

Comment: The Fire Department official pointed out that the location of the proposed Wanapa Energy Center is within the Umatilla Rural Fire Protection District not the City of Hermiston Rural Fire Protection District as implied in the FEIS.

Response: The project will work with the appropriate Fire Department(s) to develop a cooperative plan for addressing fire protection needs at the facility.

Representative, Boardman Coal Electric Generating Facility (by telephone)

Comment: The Boardman Coal Electric Generating Facility pointed out that the units of measure comparing emissions from the Wanapa Energy Center and the Boardman Coal Facility should be in pounds per MW not tons per MW.

Response: This comment is correct. The following table contains the information in the appropriate units and replaces the tables on pages ES-11 and 3.5.2 of the FEIS. Note also that the figures reported for the Wanapa Energy Center below have also been updated to be consistent with the latest information available from EPA on the draft PSD permit for the Wanapa Energy Center.

Comparison of Emissions per Megawatt (MW) Hour of Electricity Produced

	Wanapa Energy Center	Boardman Coal Facility	
Pollutant	Emissions (lb/MW-hr) [1]	Emissions (lb/MW-hr)[2]	Percent Improvement
Sulfur Oxides	0.0100	11.5900	99.9%
Nitrogen Dioxide	0.0854	4.8300	98.2%
Particulate Matter	0.0987	0.4020	75.4%
Carbon Monoxide	0.1640	0.2920	43.9%
Volatile Organic Compounds	0.0174	0.0350	50.3%

1. Based on a plant-wide electric generation capacity of 1,300 MW.
2. Based on a plant-wide electric generation capacity of 600 MW.

Ken Thompson (by letter)

Response 1: A portion of the property formerly known as the Conforth Ranch, Section 7 Township 5 North, Range 29 East, Williamette Meridian, Umatilla County, Oregon was conveyed by the Trust for Public Land (a private organization) to the Confederated Tribes of the Umatilla Indian Reservation on June 24, 1993. The Bureau of Indian Affairs understands that no tax dollars or Bonneville Power Administration ratepayer dollars were used to purchase this property. The property was zoned HI, Heavy Industrial, under the Comprehensive Plan of Umatilla County at the time of acquisition by the Confederated Tribes of the Umatilla Indian

Reservation. The Confederated Tribes of the Umatilla Indian Reservation subsequently petitioned the United States of America, through the Bureau of Indian Affairs, to accept the property in trust. As part of the fee to trust change in land status process, the Bureau of Indian Affairs notified the State of Oregon and Umatilla County of the application by the Confederated Tribes of the Umatilla Indian Reservation. The State of Oregon and Umatilla County raised no objections to the change in land status. This transaction was completed in December 30, 1999. This issue was also addressed in Response to Comment #11-1 in the FEIS.

Response 2: After the FEIS went to print, EPA made changes to the draft permit, which is currently undergoing public review.

Response 2a: This statement is correct; the Wanapa Energy Center permit application considered the maximum operating scenarios in order to demonstrate a level of conservatism in the prediction and calculations of emission data. Therefore, under the worse case scenario, the plant is assumed to operate 365 days per year, with periodic partial shutdowns for maintenance on an established schedule. The actual days of operation would be less 365, depending on the power market conditions, and hydropower generation.

Response 2b: The Wanapa Energy Center will be limited to an emission rate of 99 tons/year of VOC emissions in the final ***PSD permit***.

Response 2c: The Wanapa Energy Center will be limited to 99 tons/year of VOC emissions. These VOC emissions would be generated from natural gas combustion in the combustion turbines (CTs), and also from additional natural gas firing in the duct burners (DBs). Pre-project estimates of hourly emissions from the CTs and DBs suggest that the 99 tons/year VOC limit could be met when running the CTs 365 days per year, and firing the DBs 6,800 hours per year.

After the plant is constructed, testing of the VOC emissions from the CTs and DBs is required under the PSD permit. Using the emission rates established in these tests, along with actual operating hours and rates for the CTs and DBs, the Wanapa Energy Center will be required to meet the 99 tons/year VOC limit in the PSD permit. Additionally, the PSD permit contains provisions for re-validating the test results over time.

Response 2d: (i) The EIS does not take precedence over the PSD permit. (ii) The Wanapa Energy Center must meet all restrictions required of it. As described above in the response to paragraph (c), the Wanapa Energy Center will be required to meet a 99 tons/year VOC emission limit. The operator must use any mean (lowering duct burner hours of operation is one such means) to reduce VOC and not exceed 99 tons/year of VOC emissions. Though there is no specific limit on DB operating hours in the PSD permit, the Wanapa Energy Center may need to operate the DBs at reduced operating hours in order to meet the 99 tons/year limitation.

Response 2e: Two types of meteorological data were used in conducting the dispersion modeling analysis of the area **immediately surrounding** the Wanapa Energy Center.

- **Surface meteorological observation data:** The surface data include hourly measurements of wind direction, wind speed, temperature, humidity, etc., made at a

meteorological tower with a height of 20 feet above ground level. To evaluate impacts close to the Wanapa Energy Center, five years of surface meteorological observations from the Umatilla Army Depot (UAD) were used. The UAD station is located within 5 miles of the Wanapa Energy Center, and is considered to provide a good indication of on-site meteorological conditions at the Wanapa Energy Center. Some meteorological variables (e.g., cloud cover and ceiling height) are not recorded at the UAD station; these were supplemented by data from the National Weather Service station at the Walla Walla Regional Airport (ALW). The ALW data set was chosen for these parameters because of its proximity to the Wanapa Energy Center, and for the completeness of the data in the data set.

- **Upper air meteorological observation data:** The upper air data include twice-daily measurements from a weather balloon of temperature, pressure, and humidity high in the atmosphere. Unlike the more prevalent surface data, there are only 60 to 70 upper air stations in the entire United States, located 400 km apart, on average. The data from the upper air stations do not differ as significantly with distance as the data from surface stations, since the surface meteorology is more greatly impacted by ground-level terrain. The nearest upper air stations to the Wanapa Energy Center are located in Spokane, WA, Quillayute, WA, Salem, OR, and Boise, ID. The Spokane upper air station was chosen as the nearest upper air station.

For the dispersion modeling evaluation of the Wanapa Energy Center's **long-range emission impacts** on National Parks, Wilderness Areas, and the Columbia River Gorge, a completely separate composite set of meteorological data was used. This composite set included Mesoscale Model 5 prognostic meteorological data from throughout the Northwest, surface data from 23 surface stations, upper air data from 3 upper air stations, and precipitation data from 22 precipitation stations. This wide-ranging data set was appropriate for the long-range analysis because this analysis addressed impacts over such a wide territory.

Response 2f: Impacts from the Wanapa Energy Center have been quantified through dispersion modeling. The impacts from the Wanapa Energy Center, combined with impacts from existing sources of pollutants, have been demonstrated to remain below the thresholds of concern established as the National Ambient Air Quality Standards (NAAQS) for each pollutant. Based on the specifications of the Clean Air Act, EPA sets the NAAQS at levels that provide an adequate margin of safety requisite to protect the public health and welfare.

Response 2g: In the Clean Air Act, the Congress of the United States of America set up different environmental requirements for non road engines than for industrial stationary sources. Though there are many differences in the programs, both types of sources (non road and stationary) are required to meet specific emission technology standards. As a stationary source, the Wanapa Energy Center meets emission technology standards through the New Source Performance Standards (NSPS) and Best Available Control Technology (BACT) requirements. To meet these requirements, the Wanapa Energy Center is required to install control technology to reduce emissions. In addition to the technology standards, certain stationary sources (including the Wanapa Energy Center) must also demonstrate through dispersion modeling that

the NAAQS will be maintained. This NAAQS compliance demonstration is not required of non road engines.

Response 2h: Impacts from non road engines during construction activities are discussed in Section 3.5.2.2 of the FEIS.

Response #3: Although natural gas and electricity, as sources of thermal energy, have many common uses, there are unique circumstances where one cannot be used for the other. For example, as correctly pointed out by the commenter natural gas can be used more effectively in "hot water heaters, home heating, home dryers, and home cooking", but it cannot (currently) be used to operate computers, televisions, VCR's, and other common household appliances and tools. These and many other items need electricity. Use of natural gas as fuel in a state-of-art combined cycle gas turbine power generating facility, which is provided in the Wanapa project, is the cleanest and most efficient use of natural gas in the power generation.

In response to the issue of 'building natural gas power plants results in a significant cost competition with the use in and for homes, please refer to the FEIS Appendix D, letter 6, response 6-1.

Regarding the life of the facility, please note that similar to a natural gas burning automobile, tractor, or a bus, the life of the facility does not have anything to do with the renewable fuel source. There will be contractual obligation and BIA requires the placement of bonds by the owners for the removal of all the above and belowground facilities and the restoration of the site to its original condition when the plant's useful life is ended and it is decommissioned. This will include the clean-up of any waste on site.

Response 4: The backup diesel engine driven emergency fire pump has been included in the Wanapa Energy Center permit. The permit requires that the backup diesel engine meet EPA highway diesel engine standards, which are more restrictive than the non road diesel engine regulations.

As mentioned in the response to paragraph 2(h), above, impacts from non road engines during construction activities are discussed in Section 3.5.2.2 of the FEIS.

Response #5: The FEIS identified the proposed action elements for the project, including the delivery of potable water and sanitary sewage to and from the site. As with all of the permits required for the construction and operation of any development, the project will be required to apply for the necessary permits. The project will file the requisite applications for these services with the City of Umatilla prior to construction. The parcel on which the plant facility will be located does carry a permanent easement for the existing water delivery system and an additional water delivery canal and pipeline.

Response #6: Combustion of natural gas produces much lower emissions of greenhouse gases than other fossil fuels such as oil/diesel and coal. Shifting some of the power production in Oregon from older, less efficient coal- and oil-fired power plants to newer more efficient natural gas power plants can be one step to reducing the overall greenhouse gas impact in the state.

Response 7: The Bureau of Reclamation requires the project to file an application with the Oregon Department of Environmental Quality (ODEQ) for the requisite NPDES permit. The alternative to discharge to the Columbia River was included as another possible option in the FEIS, an option that would also require an NPDES permit from ODEQ. It is worth noting that ODEQ recently approved an NPDES permit for power plant wastewater discharge into the Columbia River by a non-tribal facility known as Port Westward. The Wanapa Energy Center would be expected to meet ODEQ's requirements of the NPDES permit, regardless of the location or ownership.

Response #8: See response to comment #11-17 in the FEIS for a response to this comment.